

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 SETH BAKER, JESSE BERNSTEIN,) Case No. 2:11-cv-00722-RSM
10 MATTHEW DANZIG, JAMES JARRETT,)
11 NATHAN MARLOW, and MARK RISK,) PLAINTIFFS' MOTION TO DISMISS
12 individually and on behalf of all others similarly) CASE WITH PREJUDICE
13 situated,)
14 Plaintiffs,) **Note on Motion Calendar:**
15 v.) October 19, 2012
16)
17 MICROSOFT CORPORATION, a Washington)
18 Corporation,)
19 Defendant.)
20)
21)
22)
23)

24 Plaintiffs move that this action be dismissed with prejudice, with all parties to bear their
25 own costs and fees. This motion is not made pursuant to a settlement agreement.
26

27 After the Court has entered a final order and judgment, Plaintiffs intend to appeal the
28 Court's March 27, 2012 order (Dkt. 32) striking Plaintiffs' class allegations.

29 DATED this 25th day of September, 2012.
30

31 KELLER ROHRBACK L.L.P.
32

33 By s/ Amy Williams-Derry
34 Amy Williams-Derry, WSBA #28711
35 Mark A. Griffin, WSBA #16296

1 KELLER ROHRBACK L.L.P.
2 1201 Third Avenue, Suite 3200
3 Seattle, WA 98101
Telephone: (206) 623-1900

4 CHITWOOD HARLEY HARNES LLP
5 Gregory E. Keller, WSBA #13040
6 Darren T. Kaplan
7 2300 Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
Telephone: (404) 873-3900

9 KOPELOWITZ OSTROW FERGUSON
WEISELBERG KEECHL
10 Jeffrey M. Ostrow
11 200 S.W. 1st Avenue, 12th Floor
12 Fort Lauderdale, FL 33301
Telephone: (954) 525-4100

13 STRITMATTER KESSLER WHELAN
14 COLUCCIO
15 Paul L. Stritmatter, WSBA # 4532
16 Kevin Coluccio, WSBA # 16245
17 Brad J. Moore, WSBA # 21802
18 200 Second Avenue West
Seattle, Washington 98119
Telephone: (206) 448-1777

19 WASSERMAN COMDEN CASSELMAN &
ESENSTEN LLP
20 Melissa M. Harnett
21 Gregory B. Scarlett
22 5567 Reseda Blvd, Suite 330
23 Tarzana, California 91356
Telephone: (818) 705-6800
Facsimile: (818) 996-8266

24 *Attorneys for Plaintiffs*
25
26

1
2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that on September 25, 2012, I electronically filed the foregoing
5 PLAINTIFFS' MOTION TO DISMISS CASE WITH PREJUDICE AND [PROPOSED] ORDER
6 with the Clerk of the court using the CM/ECF system, which will send notification of such filing
7 to all counsel of record who receive CM/ECF notification. A copy of this document will also be
8 served on the following individual(s) via hand delivery:

9 Stephen M. Rummage, WSBA #11168
10 Fred B Burnside, WSBA #32491
11 John Goldmark
12 **DAVIS WRIGHT TREMAINE**
13 1201 Third Avenue Suite 2200
14 Seattle, WA 98101-3045
15 Telephone: 206-757-8016
16 Fax: 206-757-7016

17 DATED this September 25, 2012.

18 KELLER ROHRBACK L.L.P.
19
20
21
22

23 By s/ Amy Williams-Derry
24 Amy Williams-Derry, WSBA #28711
25 Mark A. Griffin, WSBA #16296
26 1201 Third Avenue, Suite 3200
 Seattle, WA 98101
 Telephone: (206) 623-1900
 Fax: (206) 623-3384
 E-mail: mgriffin@kellerrohrback.com
 awilliams-derry@kellerrohrback.com